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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

ATTY.'S DOCKET: VESPER=1

In re Application of:	)	Art Unit: 1645
Stephen J. VESPER	)	Examiner: Patricia A. DUFFY
Serial No.: 09/866,793	)	Confirmation No. 5682
Filed: May 30, 2001	)	Washington D.C.
For: METHODS FOR ISOLATING AND USING FUNGAL...	)	October 6, 2005

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, Mail Stop **AF**  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated July 8, 2005, of the Primary Examiner. The claims appealed are claims 23-33.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

The fee has been calculated as shown below:

- \$500.00
- \$250.00 (small entity)
- Not required (fee paid in prior appeal)

Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity Response Filed Within	Other Than Small Entity Response Filed Within
<input type="checkbox"/> First - \$ 60.00	<input type="checkbox"/> First - \$ 120.00
<input type="checkbox"/> Second - \$225.00	<input type="checkbox"/> Second - \$ 450.00
<input type="checkbox"/> Third - \$510.00	<input checked="" type="checkbox"/> Third - \$1020.00
month after time period set	month after time period set
<input type="checkbox"/> Less fees (\$ _____) already paid for __ months extension of time on ____.	


Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 1520.00.

Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

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Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
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